8331914/2023/OP.I-FIN01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment - Finance Department – Sri K. Vijaya Satyanand, Assistant Section Officer (Retired), Finance Department – Revision of Pay for sanction of Provisional Pension – Orders –Issued

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FINANCE (OP.I) DEPARTMENT

G.O.Rt.No.285 **Dated:27.12.2023**

Read the following:

1. G.O.Ms.No.119, Finance (OP.I) Department, dated: 03.11.2023 read with G.O.Ms.No.123, Finance (OP.I) Department, dated: 23-11-2023.
2. I.A.No.1 OF 2023 In WP No.7567 of 2023 dated:17.10.2023 of Hon'ble High Court of Telangana.
3. G.O.(P).No.213. Finance (PC.I) Department, dated:27.08.2005.
4. G.O.Ms.No.52, Finance (PC.I) Department, dated:25.02.2010.

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ORDER:

In the reference 1st read above, keeping in view the orders of the Hon'ble High Court of Telangana in the W.P.No.26447 of 2009,dated 02-09-2022 & the orders of the Hon'ble A.P. Administrative Tribunal in the O.A.No.5588 of 2004,dated 06-04-2009, the orders issued in the G.O.Ms.No.2510,Finance (OP.I) Department, dated 11-09-2004 were cancelled and it was ordered as follows:

i. The individual shall be deemed to have been placed under suspension from the date of original order of dismissal from service i.e 11-09-2004 till 31-07-2012 in terms of Rule-8(4) of APCS (CC&A) Rules, 1991.

ii. The individual shall be deemed to be retired from service on attaining the age of superannuation on 31-07-2012 on pending finalization of disciplinary proceedings.

iii. ***To hold de novo inquiry against*** *Sri K. Vijaya Satyanand, formerly Assistant Section Officer, Finance Department in terms of Rule-20 of APCS (CC&A) Rules, 1991 & Rule-9 of A.P. Revised Pension Rules, 1980.*

2. In the reference 2nd read above, the Hon'ble High Court of Telangana has ordered as follows:

Learned counsel for the petitioner submits that petitioner has superannuated on attaining the age the of superannuation on 31.07.2012 and is not being paid the pension. It is further submitted that under Section 59 of the Andhra Pradesh Reorganisation Act, 2014, both the States namely State of Andhra Pradesh and State of Telangana are under obligation to pay pension to the petitioner in the ratio of 58% : 42%.

Learned Government Pleader appearing for State of Andhra Pradesh and State of Telangana has not disputed the claim of the petitioner and has submitted that the payment of pension shall be made to the petitioner in the ratio of 58% / 42% respectively.

In view of aforesaid submission, during the pendency of the petition, respondents are directed to release the pension of the petitioner forthwith from 31.07.2012.

Accordingly, I.A. is allowed.

(P.T.O)

3. The Hon'ble Supreme Court of India in Chairman-cum-Managing Director , Mahanadi Coalfields v.Rabindranath Choubey, 2020 (18) SCC 71, pronounced that "the competence of an authority to hold an enquiry or to continue enquiry against an employee who has retired from service depends upon the scheme of rules and the terms and conditions of service of the employee are the determining factors as to whether and in what manner the disciplinary enquiry can be held against an employee who stood retired or superannuated from service."

4. In the light of the above judgement of the Hon'ble Supreme Court of India in Mahanadi Coalfields Ltd Vs Rabindranath Choubey, (2020) 18 SCC 71 and in view of specific rules as under Revised Pension Rules, 1980, framed under Article 309 of the Constitution of India, i.e. Rule 9 of the APRPS 1980, the disciplinary proceedings already initiated earlier in the year 2001 i.e. much prior to his dismissal of the delinquent officer and subsequent superannuation in the year 2012, are hereby continued till the Disciplinary Proceedings are put to their logical end.

5. Government, after careful examination of the matter & in terms of the orders issued in the references 3rd and 4th read above, the notionally fix the pay of Sri K. Vijaya Satyanand in the category of Assistant Section Officer, as follows:

I. The individual has drawn pay of Rs.6950+15/FP+130/SP as on 15.03.2001 in the post of A.S.O. in an officiating capacity.

II. **Fixation under RPS-2005**

In terms of RPS 2005 vide G.O.(P).No.213, Fin (PC.I) Department,dt.27.08.2005 and G.O.(P).No.180, Fin (PC.I) Department,dt.29.06.2006, the pay fixed in the category of Assistant Section Officer in the Time Scale of Rs. 6675-170-7015-185-7570-200-8170- 215-8815-235-9520-255-10285-280-11125-315-12700-330-13030-360-13750-425- 15025-475-15500	
Pay as on 01.07.2003	Rs.6,950/-
DA @30.266% on 01.07.2003	Rs.2,103/-
Add 16% Fitment	Rs.1112/-
Total	Rs.10,165/-
Pay fixed at next stage in the category of Assistant Section Officer w.e.f. 01.07.2003 (Notionally)	**Rs.10,285 +15/FP + 130/SP/-**

III. **Fixation under RPS-2010**

In terms of RPS 2010 vide G.O.(p).No.52, Fin(Pc.I) Department, dated:25.02.2010 read with Cir.Memo.No.33317-A/549/A1/PC.I/2009, Fin(Pc.I) Department, dated:13.03.2010 and pay fixed w.e.f. 01.07.2008 in the time scale of Rs. 11860-330-12190-360-13270-390-14440-420-15700-450-17050-490-18520-530-20110-570-21820-610-23650-650-25600-700-27700-750-29950-800-32350-850-34050	
Pay (ASO) as on 01.07.2008	Rs.10,285/-
DA @ 42.39% as on 01.07.2008	Rs.4,360/-
Add 39% Fitment	Rs.4,011/-
Total	Rs.18,656/-
Pay fixed at next stage in the category of Assistant Section Officer w.e.f.01.07.2008 (Notionally)	**Rs.19,050/- +15/FP + 130/SP/-**
The individual is deemed to be retired from service on superannuation on 31-07-2012 vide G.O.Ms.No.119, Finance (OP.I) Department, dated:03.11.2023 read with G.O.Ms.No.123, Finance (OP.I) Department, dated: 23-11-2023.	

(P.T.O)

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6. The pending pay fixations if any & revision of pay in the revised pay scales will be taken up after finalization of the pending disciplinary case and regularization of the suspension period in accordance with rules and instructions in force.

7. The individual is eligible for drawal of Provisional Pension w.e.f. 01.08.2012 under the Rule 52 (1) (a) of A.P. Revised Pension Rules, 1980.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAMSHER SINGH RAWAT
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri K. Vijaya Satyanand, formerly Assistant Section Officer, Finance Department
Flat No. G-8, Prashanthi Pranganam,
Road No.01, Doctors Colony,
Hyderabad -500035
Telangana State.

Copy to:
The Finance (Claims) Department
The Deputy Pay and Accounts Officer, Secretariat Branch, Velagapudi.
The Pay and Accounts Officer, A.P., Nidhi Bhavan, Mangalagiri
The Principal Accountant General (A&E), A.P., Vijayawada.
SF/SC(2028754)

//FORWARDED:: BY ORDER//

SECTION OFFICER
27/12/2023